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DEATH PENALTY BY ELECTROCUTION.

tions are such," it says, "as to breed crime and immorality, whereas they ought to be precisely the reverse. The change has been delayed too long. The state has a right to punish a woman, as it does a man, for violation of the law. But it has no right, in so doing, to make her a worse woman than she was before. It is the duty of the state to restrain delinquent girls, and to remove them from surroundings that mean their inevitable moral ruin. But it has no right, in so doing, to place them where their associations may be even more harmful than were those from which they were taken. Yet both of these things are being done in Ohio to-day. It doesn't make any difference whether it is called a reformatory or by what name it is known, there should be a separate place of confinement for women criminals. There should be complete provision for separation of first termers from hardened lawbreakers. In the case of girls, it is nothing short of sinful to mingle forcibly mere delinquent with brazen vice. It ought to be stopped at once."

J. W. G.

Infliction of the Death Penalty by Electricity.—The JOURNAL has received a reprint of an article by Dr. E. A. Spitzka, of Philadelphia, entitled, "Observations Regarding the Infliction of the Death Penalty by Electricity." Dr. Spitzka states that his observations are based upon fifty-four cases of electrocution, and his conclusions are that it is the most humane, decent and scientific method of inflicting the death penalty ever devised because of its efficiency, quickness and painlessness, and ought to be adopted by every state in the Union. Dr. Spitzka adds that executions should take place in a building remote from the penitentiaries where other convicts, more or less susceptible to reformation, are confined. The erection of scaffolds in prison corridors or the knowledge on the part of other convicts that an electrocution is in progress has a bad, even brutalizing, effect upon them.

The suggestion that the death penalty be inflicted by means of the injection of prussic acid or the use of chloroform is open to the objection that the hypodermic syringe and the use of chloroform are associated with the practice of medicine, and their employment for the purpose of putting criminals to death would arouse the unanimous protest of the medical profession.

Dr. Spitzka takes occasion to record his unqualified opposition to the proposed abolition of capital punishment.

"The question, 'Is capital punishment justifiable?' has," he remarks, "agitated the minds of men ever since the dawn of civilization. Public opinion is never so fickle with regard to any problem of life as this one. My own opinion is a firm conviction in favor of it for those who commit premeditated murder, arson, train wrecking and bomb throwing. Society needs this penalty for its own protection and it is authorized to use it. The Mosaic law, 'Thou shalt not kill,' refers to murder and not to legal execution. The fear of death is in most men, and it is, therefore, the most powerful means of intimidation. Optimists may hope to see society organized upon such an enlightened plane that the penalty need not be resorted to—but that time is not yet at hand. In nearly every county or state which abolished the penalty, the subsequent increase in crime aroused a clamor for its reestablishment.

"The opinion is held by some that the penalty fails to act as a deterrent for others. The argument is puerile, for this country at least, inasmuch as only 1.3 per cent. of homicides are convicted. In Germany 95 per cent. are convicted, or, proportionately, thirteen times as many. Were the penalty as rigorously en-

PROPOSED PENAL REFORMS IN ENGLAND.

forced in the case of murder as the whipping-post is used in Delaware for various crimes, its deterrent effects would soon become manifest. It is idle to talk of anything but prompt punishment as a deterrent of crime.

"Thus, in New York City, in 1904, there were 147 first degree murders; but there were only 27 convictions and only two were executed. In the same year, in Philadelphia, 148 murder trials resulted in only 7 verdicts of murder in the first degree and several of these, on re-trial, received minor sentences. London, with 6,000,000 inhabitants, had 24 murders; 9 were hanged therefor. Chicago, with 2,000,000 inhabitants, had 128 murders; only 1 was hanged.

"Society has relaxed too much. The death penalty is a necessity and must not be abolished, else all discipline of society will be relinquished. Though society revolts at the old religious dogma of the retribution of hell, the church still retains it as essential in its terrible dissuading appeal to the imagination of men' (*New York Sun*). Let us, therefore, in our penology, adhere to what the test of time has proven to be an efficient check if only it be carried out as has been done in Germany and Great Britain."

Finally, he charges our inadequate legal machinery with responsibility for a large part of the crime now being committed.

"The tardy justice meted out to murderers," he declares, "is the most deplorable feature of our legal machinery to-day. There are too many loop-holes for escape—long delays, endless appeals, lots of slush about the 'unwritten law,' numerous legal technicalities and sentimental juries. By the pettifoggery of criminal law the great majority of cases are granted new trials in the United States; in Great Britain only 3.5 per cent. Nearly always the appeal is based upon points of pleading and practice and many years elapse before the final settlement of the case. Our administration of justice has degenerated into a sort of 'rose-water penology.' Its demoralizing effect upon the community is manifested by the rapid increase of crimes of violence among juveniles, so ready to imitate and emulate their seniors in crime. We have become too much accustomed to failure of justice in murder cases. This blot upon our civilization is largely the outcome of our indifference to the way many criminal courts are conducted. Certain magistrates make a farce out of serious business, lawyers wrangle with each other unchecked, witnesses are brow-beaten and bribery and corruption of political complexion degrade the proceedings to the level of a saloon or gambling den or a policy shop rather than a court of law." J. W. G.

Radical Penal Reforms Proposed in England.—Mr. Winston S. Churchill, in a speech in the British House of Commons on July 20, announced important improvements he intends to bring about in British prisons, and urged the passage of legislation which, if enacted, will effect highly beneficial reforms in the administration of criminal justice in the British Isles. Mr. Churchill, as Home Secretary, has given considerable study to the treatment of criminals, and being convinced that the methods hitherto in vogue have signally failed, he now desires to put in operation a program with reclamation as its keynote. His proposals, some of which go into operation immediately, and others of which will be developed within the coming year, include the following:

The more extended use of probation.

The granting to defendants of a period of grace in which to pay their fines without being committed for default of payment at the time of trial.